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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,377	03/14/2001	Tomas Brodsky	US010059	3327
24737	7590	02/01/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			YODER III, CHRISS S	
P.O. BOX 3001			ART UNIT	
BRIARCLIFF MANOR, NY 10510			PAPER NUMBER	

2612

DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/808,377

Applicant(s)

BRODSKY ET AL.

Examiner

Chriss S. Yoder, III

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,11,12,21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,11,12,21 and 22 is/are rejected.
- 7) ☒ Claim(s) 5-6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments see page 8, line 22 – page 9, line 14, filed November 2, 2005, with respect to the rejection(s) of claim(s) 1 and 21 under 35 USC § 103 (a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Ogino (US Patent # 6,762,794).

Applicant's arguments, see page 9, line 23- page 10, line 12, filed November 2, 2005, with respect to claim 22 have been fully considered and are persuasive. The rejection of claim 22 has been withdrawn.

### ***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Claims 1, 5, and 21 recite the limitation of “planar mirrors”. There is insufficient support in the specification to support the use of “planar” mirrors (the specification merely states the use of mirror, and not a type or mirror).

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 22 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 22 recites the limitation "distance adjusting means for adjusting a distance between at least one of the two cameras and the object of interest, wherein the distance adjusting means adjust the distance independent of an angle of the at least one of the two cameras", which is not supported by the specification.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 4, 11, 12, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Ogino (US Patent # 6,762,794).

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2. In regard to claim 1, note Ogino discloses the use of a camera system (column 13, lines 15-18 and figure 10: 1000) comprising an imaging means for outputting at least one stereo image (column 16, lines 20-27), said imaging means includes a camera (column 13, lines 15-18 and figure 10: 1002), a set of planar mirrors angled with respect to each other at a predetermined angle relative to a centrally located common plane intersecting said camera (column 14, lines 49-50; and figure 10: 1109 and 1111, each surface of the prism is a planar mirror), each planar mirror having adjacent ends positioned at a common point and disposed a predetermined distance from the camera along the common plane (figure 10: 1109 and 1111, both mirrors meet at a common point at a predetermined distance from the camera), for directing light from an object reflected in said planar mirrors along a straight line of sight directly from said planar mirrors to the camera for producing a stereo effect in the output of the camera (figure 10: 1109 and 1111, the light is sent directly to the camera), a recognition means for locating an object of interest in the field of view of the stereo imaging means (column 6, lines 42-46) and the distance to the object of interest from the stereo imaging means (column 6, lines 42-46), and adjusting means for automatically changing at least one system parameter which affects the spatial resolution of the object of interest based on the located distance of the object of interest from the stereo imaging means (column 3, lines 59-61).

3. In regard to claim 4, note Ogino discloses that the camera is a video camera and the at least one stereo image is a sequence of video images (column 15, line 64 – column 16, line 4).

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4. In regard to claim 11, note Ogino discloses the use of a controller for controlling the angle and baseline adjustment means based on an input signal from the recognition means (column 5, lines 40-57).
5. In regard to claim 12, note Ogino discloses that the recognition means is a stereo vision system (column 5, lines 27-29).
6. In regard to claim 21, this is a method claim, corresponding to the apparatus in claim 1. Therefore, claim 21 has been analyzed and rejected as previously discussed with respect claim 1.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ogino (US Patent # 6,762,794).
8. In regard to claim 3, note Ogino discloses the use of a stereo camera as claimed in claim 1 above. Therefore, it can be seen that Ogino fails to disclose that the camera is a still camera and the at least one stereo image is a still image. Official notice is taken that the use of a stereoscopic camera that takes still photographs is notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the Ogino reference to include the use of a still camera

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in order to take individual stereoscopic or 3D photos to allow the user to print the images.

### ***Allowable Subject Matter***

Claims 5-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As for claims 5, the prior art does not teach or fairly suggest the use of a stereo camera system having a set of planar mirrors angled with respect to each other at a predetermined angle relative to a centrally located common plane intersecting the camera, each planar mirror having adjacent ends positioned at a common point and disposed a predetermined distance from the camera along the common plane, for directing light from an object reflected in said planar mirrors along a straight line of sight directly from said planar mirrors to the camera, and *an angle adjustment means for adjusting the predetermined angle between the set of planar mirrors.*

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chriss S. Yoder, III whose telephone number is (571) 272-7323. The examiner can normally be reached on M-F: 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CSY  
January 12, 2006

  
NGOC-YEN VU  
PRIMARY EXAMINER